



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

Amended Minutes of the March 31, 2008, Meeting of the
Commission on Governmental Ethics and Election Practices
Held in the Commission's Meeting Room,
PUC Building, 242 State Street, Augusta, Maine

Present: Michael Friedman, Esq., Chair; Hon. David Shiah; Hon. Francis C. Marsano; Hon. Edward M. Youngblood, Hon. Mavourneen Thompson. Staff: Executive Director Jonathan Wayne; Phyllis Gardiner, Counsel.

At 9:00 A.M., Chair Michael Friedman convened the meeting.

The Commission considered the following items:

Agenda Item #1. Ratification of Minutes of the January 25 and February 11, 2008 Meetings

On a motion made by Mr. Youngblood and seconded by Mr. Shiah, the minutes of the January 25 and February 11 meetings were accepted as written (5-0).

Agenda Item #2. Request for an Investigation/Maine Heritage Policy Center

Mr. Carl Lindemann participated by telephone since he was unable to attend the meeting in person. Mr. Wayne reviewed, briefly, the background on Mr. Lindemann's complaints against the MHPC. On February 26, 2008, the Maine Superior Court dismissed Carl Lindemann's petition for judicial review challenging the Commission's 2006 determination that the MHPC was not a political action committee. Mr. Lindemann's second complaint filed in March of 2007 is that the campaign finance report filed by the Maine Heritage Policy Center under 21-A M.R.S.A. § 1056-B report is incomplete. In May of 2007, the Commission voted 2-1 to table Mr. Lindemann's second request for investigation until the Superior Court made a determination on the first request, whether MHPC was a PAC. The Court dismissed Mr. Lindemann's first complaint, since he did not have standing to challenge the Commission. Currently, Mr. Lindemann is asking the Commission to consider his second request regarding the completeness of the 1056(B) report filed by MHPC. Mr. Wayne also added that Dan Billings was present today on behalf of the MHPC.

Mr. Friedman asked if the Court ruling was final. Ms. Gardiner said Mr. Lindemann has appealed the Court's ruling, so it is not final.

Mr. Wayne also said Mr. Billings is arguing that in May 2007, the Commission decided not to proceed with investigating the MHPC reporting because the question as to whether they were a PAC or not had not been settled. Since that question is still undetermined, the Commission may still have to revisit that issue. The MHPC is asking that any further decisions regarding the 1056(B) report be postponed until the Court has made a final decision on whether the MHPC is a political action committee.

Mr. Lindemann addressed the Commission members. He requested that Chair Friedman step aside as chair for this discussion because he served along side former Commission member Jean Ginn Marvin. He said he would prefer to have a chair that was not associated with Ms. Ginn Marvin's term on the Commission.

Mr. Friedman stated his interest was a fair proceeding also, but did not feel it was necessary for him to step aside.

Reading from a prepared statement, Mr. Lindemann explained why this board was not the appropriate place to hear a case concerning one of its own members. Mr. Lindemann said it was not proper for an officer of a regulated entity (political action committee) to serve as a regulator on the Ethics Commission. He further said that Commission members should not rule on fellow commissioners. He believes this is problematic for the Commission staff as well as the Commission members. He stated three troubling issues that he saw in the way that Mr. Wayne framed the issues in his memo:

- 1.) The Executive Director down played Jean Ginn Marvin's role, and therefore failed to address an important issue – Ms. Ginn Marvin's dual role as chair of the Commission and treasurer of MHPC.
- 2.) The Executive Director misstated the legal standard for when the Commission initiates an investigation, and Mr. Billing's repeats the same misstatement in his letter of March 21, 2008.
- 3.) The Executive Director deflected attention away from MHPC inaccurate statements to the Commission.

Mr. Lindemann further stated that the complaint is whether the 1056(B) report is accurate; he believes the MHPC has history of providing incomplete and untrue information to the Commission. Mr. Lindemann said Mr. Wayne failed to mention this information.

Mr. Lindemann also spoke to the issue of recusal of Commission members. He said commissioners should not judge fellow commissioners and there are three current members who served with Ginn Marvin and the remaining two are not sufficient to hear the complaint since, as a result, there no longer is a quorum. He believes this issue must be heard elsewhere.

Mr. Lindemann also referred to the Ethics Commission's mission statement to, "conduct its duty promptly, fairly and efficiently." He said this lengthy delay in his matter is denying the public's right to know. He said fact finding should go forward by a State Auditor or the Attorney General's office immediately in order to preserve evidence. He further reviewed a memo he sent the Attorney General's office in response to a memo Phyllis Gardiner provided at the last meeting and said regardless of the Court's ruling on the type of political entity the MHPC is, their report must be truthful, therefore action should be taken on the truthfulness of this report. Mr. Lindemann said he believes the Law Court will rule in favor of his appeal but that the Commission should not wait for guidance from the Court, since it will most likely not happen.

Mr. Friedman summarized two points he understood Mr. Lindemann was making: the issue of Commissioner Ginn Marvin's participation, in his view, regarding a decision affecting of MHPC, and the issue of whether the Commission is the proper venue to investigate Ms. Ginn Marvin's activities and if it is not, then that matter should be referred to another agency. Mr. Friedman said the Ginn Marvin issue had been asked and answered several times in the past. It has been determined that this Commission did not have jurisdiction to investigate fellow commissioners. The Commission had also encouraged Mr. Lindemann to seek out another opinion or get advice from the Attorney General's office or legislative offices, if he wished in order to get a different result.

Mr. Lindemann disagreed with Mr. Friedman's summation. He said the qualifications and, in his view, prohibited conduct of Ginn Marvin was put aside because statutes regarding qualifications to serve on the Commission and prohibited activities are not within the purview of the Commission; however, he believes this is different – something clearly within the purview and involves a commissioner.

Ms. Gardiner explained her understanding of Mr. Lindemann's request. She said that he was not asking the Commission to rule on former Commissioner Ginn Marvin's qualifications, but was arguing instead that the Commission cannot fairly investigate and determine the accuracy and completeness of MHPC's

1056(B) report because of the fact that allegations are being made regarding Ginn Marvin's role as treasurer of MHPC and her role in that reporting.

Mr. Lindemann asked whether it was correct to say that officers of political committees are not to serve on the Commission.

Ms. Gardiner said she thought that he was not pressing that issue. She thought the issue was regarding whether the Commission will take up the matter of the MHPC's 1056-B report and, if the Commission does take it up, how the Commission will proceed regarding investigation of MHPC's 1056(B) report since the treasurer was a Commission member.

Mr. Lindemann said he believes this conflict issue has to be dealt with before any investigation should take place on the accuracy of the reporting.

Mr. Friedman said this Commission is well intentioned and well guided and will do the appropriate investigation if that is determined to be necessary. Mr. Friedman further stated he believes the issue is whether MHPC is a PAC or not and, if not a PAC, then whether the 1056(B) report is accurate. That is what the Commission has jurisdiction to investigate, if the Court determines that is required. Mr. Friedman asked Mr. Lindemann whether anything has changed since May 2007, when the Commission decided that an investigation would not happen until the Court determines whether MHPC is in fact a PAC or not. Mr. Friedman asked Mr. Lindemann whether he was still in litigation regarding these issues with MHPC.

Mr. Lindemann admitted that this issue is still in litigation and no ruling has been determined by the Courts.

Mr. Dan Billings, on behalf of the Maine Heritage Policy Center, addressed the Commission and referred to his letter dated March 21, 2008, to the Commission. He stated he believes the Commission is the only body that could take up a complaint regarding MHPC's 1056-B report. He said currently there is no procedure in Maine law that says the issue could be referred to any other body. The Legislature charged the Commission with this duty. He stated the issue Mr. Lindemann raised regarding current commissioners participating in prior considerations regarding MHPC does not seem valid. Regarding Mr. Lindemann's comments regarding the staff's role, Mr. Billings stated that the staff only advises the Commission. The

commissioners consider the advice and make their own decisions on each matter brought forth. Mr. Billings said Ms. Ginn Marvin was not an officer of a political committee in October, 2006, because the Commission determined that MHPC was not a PAC. He said Mr. Lindemann has taken issue with the Commission's procedures and Mr. Lindemann has stated the Commission is biased and unfair. Mr. Billings believes any procedure this Commission takes going forward on this issue will not satisfy Mr. Lindemann. He expressed his concern that if the Commission proceeds with this matter, Mr. Lindemann will again find the procedure inadequate and will advance that argument to the Court as he did with regard to the first complaint against MHPC that he filed. Mr. Billings thought that a more prudent course would be for the Commission to wait until the Court had ruled on the appeal and whether it takes up the issue of the Commission's procedure.

Mr. Billings stated before moving forward on any investigation, a preliminary fact finding needs to be made by the Commission. The laws and rules do not provide good guidance about what that finding should be. However, the evidence must be in support of the complaint before an investigation is done. The Commission should conduct investigations only when it determines to do so, not by an individual coming forward saying they do not think a report is accurate. He said that does not justify an investigation.

Mr. Billings also reviewed the language in the reporting requirements for contributions within the law and the MHPC's reporting procedures. He said he thought the law was clear that it was the intent of the organization receiving the contribution that would be relevant for the 1056-B reporting requirement and that a 1056(B) report could show more expenditures than contributions. The way the law refers to these reporting requirements can be interpreted differently. Some organizations show more expenditures than contributions and other show more contributions than expenditures. He also noted that MHPC was asked to come up with information for their report after the fact, and therefore no logs were kept during the election period. He said general allegations are not enough to justify going forward with an investigation.

Mr. Friedman asked Mr. Billings if the appeal to Law Court is on the standing issue. Mr. Billings confirmed it was.

Mr. Friedman further asked if the Law Court determines that Mr. Lindemann has standing to raise the issues that he has raised in Superior Court, the likely result is that the Law Court will send it back to the Superior Court for a determination as to whether the MHPC is either a 1056(B) entity or a PAC.

Mr. Billings said that it is likely it will go back to Superior Court. He further stated that Mr. Lindeman raises issues beyond the issues of that legal determination. He said Mr. Lindeman raises issues regarding the fairness of the Commission and procedures used by the Commission.

Mr. Friedman asked Mr. Billings if, in his view, anything had changed on this issue since the May 14, 2007 meeting. Mr. Billings stated other than passage of time, no different than where we were in May, 2007.

Mr. Wayne read the motion by Commissioner Cassidy from the May 14, 2007, meeting to reschedule the item until after the Superior Court decision.

Ms. Thompson said that the core issue before the Commission was whether the 1056(B) report filed by MHPC is accurate. She asked what the staff's procedures are to determine if a report is accurate and how the reports are reviewed. She said she thinks the priority is looking over the reported information for accuracy.

Mr. Wayne said 1056(B) reporting is a new territory for the Commission. He said the Legislature created the 1056(B) reporting requirement in 2001 and the report was not used much until 2006 when TABOR was on the ballot. He said there are no routine procedures established for reviewing this report for accuracy.

Ms. Thompson asked if these reviews happen regularly. Mr. Wayne said they do not.

Ms. Thompson said going forward, it would be important for the Commission to have procedures to verify the accuracy of 1056-B reports filed with the Commission. To her, the accuracy of these reports is the core issue. She wondered what would be the impact on the Commission's credibility and the public's right to know if the Commission had to wait until the courts decided whether the Commission should investigate an organization's reporting.

Mr. Wayne said the Legislature has changed the law this year regarding these reports. The statute is clearer as to what a filer will need to report. He said an aggressive education plan is also being worked on by staff, currently, so that future entities will have more guidelines. Mr. Wayne said in the future, better education and better outreach will help this situation.

Ms. Thompson asked if the staff believes in the veracity of MHPC's report that was filed.

Mr. Wayne said accuracy depends on how the statute on the contribution side is interpreted. He said the MHPC identified contributors who specifically indicated their funds go towards TABOR. He explained that the statute says contributions are only required to be reported if the funds were to influence a ballot question. He said MHPC said they did not solicit money specifically for TABOR. Only funds contributed for the general operations of MHPC were solicited, so therefore, they do not need to report all of their contributors, only TABOR contributors.

Mr. Wayne said Mr. Lindemann believes that MHPC fundraising letters were mailed out that said help support this TABOR issue and that those contributions were not reported.

Mr. Lindemann began to speak regarding the substance of the complaint.

Mr. Friedman said the discussion is only on the procedural aspect, not substance of the complaint and the public comments on procedural aspect are over.

Ms. Thompson said Mr. Billings spoke to the substance of the complaint and she thought Mr. Lindemann should get an opportunity to speak to the substance of the claim. She asked when Mr. Lindemann will have an opportunity to speak on the substance of the complaint.

Mr. Friedman said Mr. Lindemann will have an opportunity to respond, if the Commission decides to go forward with the investigation. He said that discussion may not be necessary at this point. He said the status of the Court's determination is directly related to investigation of the submitted report. Mr. Friedman said it may not be required to do an investigation or review of the report. The MHPC may need to file a PAC report. He said the next step requires the Commission to wait until the Court makes a determination.

Ms. Thompson expressed her concern over the veracity of the report filed by MHPC. Since Mr. Billings took time to speak to the substance of the issue, Mr. Lindemann's comments may help her decide whether to table this issue. Mr. Lindemann's response to Mr. Billings's comments will affect her decision.

Mr. Marsano stated that, from his view, Mr. Lindemann's difficulty may be the motion itself in that Superior Court has acted but the Superior Court's decision is not yet final. Now the Commission is waiting for the appeal to the Law Court to rule on the Superior Court's decision. He understands that Mr. Lindemann's efforts are to preserve his rights going forward. He expressed concern over the lack of clarity in the original motion at the May 2007 meeting and believes the intent was to wait until the Court's decision is final, but that is not the way the motion reads.

Mr. Marsano moved that further proceedings with respect to this matter be tabled pending a final decision of the courts. Mr. Shiah seconded the motion.

Mr. Marsano said the Law Court can make a ruling to do a number of different things that would make a final determination. He said that the Commission needs a final decision. Mr. Lindemann's rights have been preserved.

The motion passed by a vote of 4 to 1 (Ms. Thompson opposing).

Mr. Lindemann asked what actions would be appropriate to protect the record since the issue may drag on for a while.

Mr. Friedman advised Mr. Lindemann to contact his attorney.

Agenda Item #3. Request for Waiver of Late-Filing Penalty/Lobbyist Dennise D. Whitley

Mr. Wayne informed the Commission that Ms. Whitley is a lobbyist for the American Heart Association and filed the lobbyist registration form four days late on February 12, 2008. Ms. Whitley requests a waiver of the \$200 penalty because she believed that the report was due on February 15, 2008.

Dennise Whitley addressed the Commission. She has been a lobbyist and employee at the American Lung Association for approximately eight years. She explained that this is her first time being late. She believes the problem occurred because she reached the eight-hour threshold for registration earlier in the month than she has previously. She thought her registration was due within 15 days of the end of the calendar month in which the lobbying occurred, which in her case would be February 15. She said that she had always thought that was the requirement but that in the past she had probably reached the threshold later in the

month and was still within the 15 business day period when she did file her registration. She also said that the penalty is based on each person listed on the registration; however, she is required to list her immediate supervisor who is not a lobbyist in Maine. She believes the additional \$100 is not fair in this case.

Mr. Youngblood said charging \$200 seems high for the affiliated lobbyist, but someone lobbying for eight years should know the reporting requirements for registration.

Mr. Marsano said the statute is very confusing but that the information for lobbyists provided by the staff was clear. He would leave the penalty as the staff recommends.

Mr. Friedman said the registration date is fairly clear; however, he said that he thought it was unfair to assess a \$200 penalty against her since the statute refers to a penalty of \$100 per person. He would support a reduced penalty of \$100.

Ms. Thompson said a two week period is a generous amount of time to register. She would not support a reduction in the penalty.

Ms. Thompson moved to accept the staff recommendation of a \$200 penalty for failure to register appropriately after having lobbied for more than eight hours in a one month period. Mr. Marsano seconded the motion, which failed by a vote of 2 in favor and 3 opposed.

Mr. Youngblood moved to assess a \$100 penalty against Ms. Whitley for the failure to register. The motion was seconded by Mr. Friedman. The motion passed (5-0).

Agenda Item #4. Request for Waiver of Late-Filing Penalty/Lobbyist Katherine D. Pelletreau

Mr. Wayne explained that Katherine D. Pelletreau sent in a second explanation at the request of the Commission at last month's meeting. She is the Executive Director of the Maine Association of Health Plans, and was registered as a lobbyist for the Association in 2007. She was two days late to file an annual report due on December 31, 2007. The amount of the statutory penalty is \$200. Ms. Pelletreau requests a waiver of the penalty because she was on leave from her work through December 31, 2007, due to her husband's heart attack. Mr. Wayne said the staff was recommending a \$50 penalty in recognition of Ms. Pelletreau's circumstances. Ms. Pelletreau was not present for the discussion.

Mr. Friedman confirmed with Mr. Wayne that the statute permits reduction due to mitigating circumstances such as medical emergencies.

Mr. Shiah asked if Ms. Pelletreau had filed her past monthly reports on time. Staff confirmed that it appeared her previous reports were filed on time.

Mr. Marsano said her letter leaves the same gap as he had questioned in the material last month. He also questioned whether the item needed to have a motion to discuss, since it was tabled last month by motion.

Mr. Friedman stated and Ms. Gardiner confirmed that when a motion is tabled at a meeting, a motion is not required to have an item removed from table at the next meeting if the matter is on the agenda.

Mr. Shiah moved to reduce the penalty to zero due to mitigating circumstances; Mr. Youngblood seconded the motion, which passed unanimously (5-0).

Agenda Item #5. Request for Waiver of Late-Filing Penalty/Lobbyist Tracy Allen

Mr. Wayne explained that Tracy Allen was a lobbyist for Environment Maine who filed the January monthly report three days late on January 18, 2008. She requests a waiver of the \$100 penalty because she was out of town on the day of the filing and did not receive a reminder notice until one day prior to the deadline. Ms. Allen was not present for the discussion.

Mr. Friedman asked if there was a reason for her being out of town. Mr. Wayne said that she gave no particular reason why she was out of town.

Ms. Thompson confirmed with Mr. Wayne that electronic filing was appropriate.

Mr. Youngblood moved to accept the staff recommendation of a \$100 penalty; the motion was seconded by Mr. Friedman. The motion passed by a vote of 5-0.

Agenda Item #6. Request for Waiver of Late-Filing Penalty/Lobbyist Elizabeth Sweet

Mr. Wayne stated that Elizabeth Sweet of Moose Ridge Associates is a registered lobbyist for five clients, and was required to file a monthly report for each client on December 15, 2007, and an annual report on December 31, 2007. Mr. Wayne read a statement from John Hennessy, the associate lobbyist in charge of filing the reports, requesting a waiver of the \$500 penalty because he mistakenly believed that the annual reports due on December 31 would include the November filing requirement. Mr. Wayne said the staff recommends assessing the penalty of \$500.

Mr. Shiah stated \$500 seems like a high figure. Mr. Friedman explained that there were five clients, and the penalty is \$100 for each.

Ms. Thompson moved to accept the staff recommendation and assess a penalty of \$500. The motion was seconded by Mr. Youngblood. The motion passed by a vote of 4-1 (Mr. Shiah opposed).

In consideration of the Commission's practice of addressing agenda items out of order to accommodate the attendance of public participants regarding particular items, the Commission considered the following item at this time:

Other Business - Carl J. Young, House District #65 Candidate, Request for Guidance

Mr. Wayne explained that Mr. Young failed to file a required form when he registered as a candidate in December, 2007, declaring his intention to run as a Clean Election Act candidate. He is required to collect 50 qualifying contributions and signatures from registered voters. He did not file the Declaration of Intent form within five business days of collecting the contributions. He has collected 54 contributions but only 13 are valid because the other contributions were collected more than five business days before filing his Declaration. Mr. Young is asking for guidance as to how to handle the contributions that are not valid. The staff has suggested that Mr. Young either get a new check from the contributors dated correctly or have the contributors change the date of the check and initial the change on the check. Mr. Wayne said his opponents have been notified of the situation and do not object to the staff's suggestions.

Mr. Shiah suggested that the contributors could make their donations on line.

Mr. Young addressed the Commission. He stated this is his first time through the process and he is not sure where the Declaration of Intent form ended up. He stated that he went to each person and talked with them all, across their kitchen table. He wants to make the correction of this error as easy as possible on the contributors. He does not want to impose on the contributors to write another check or go online to make their contributions. He would prefer to go back to each contributor and ask that they change the date. He also stated he has checked with a bank and the bank agreed that changing the date on the check is acceptable.

Mr. Friedman stated concern that possibly further down the road during the campaign, Mr. Young could open himself up to a potential problem if someone comes forward and says he did not qualify properly because he has to be able to prove that the contributor changed the date on the checks. He said the burden of proof would then be on Mr. Young. Mr. Friedman thought that having the contributor write a new check would remove any doubt regarding the legality of his qualifying.

Ms. Thompson stated that Mr. Young has two weeks until the deadline to go back to the contributors and get a new check to cover all the bases, or he could get new contributors with new signatures within the time left. She agreed with Mr. Friedman's advice. She acknowledged it would be more work to get those new signatures, but worth the effort in the end.

Mr. Friedman said the Commission would advise Mr. Young to either solicit 37 new contributors or ask the current contributors to write new checks.

Ms. Gardiner left the meeting.

Agenda Item #7. Request for Waiver of Late-Filing Penalty/Lobbyist Severin Beliveau

Mr. Wayne explained that Mr. Paul Padillo, who files reports for Severin Beliveau, a lobbyist for the Maine Health Care Association, filed Mr. Beliveau's monthly report about one hour late at 6:02 p.m. Mr. Padillo requests a waiver of the \$100 penalty because he had no internet access at his office computer and had to file the report from home. Mr. Wayne stated that the Commission has granted some waivers when internet access has been compromised.

Mr. Friedman stated that this issue is different than internet access being denied due to weather or other issues. He said this is a case of waiting until the last minute, he feels.

Mr. Youngblood moved to follow the staff recommendation and assess a penalty of \$100 to Severin Beliveau for late filing of his monthly report; Ms. Thompson seconded the motion, which passed by a vote of 5-0.

Agenda Item #8. Request for Waiver of Late-Filing Penalty/Cape Elizabeth Republican Committee

Mr. Wayne stated that the treasurer of the committee is attending a funeral today and asked that this be postponed until next month's meeting.

Mr. Shiah moved to table this item until the next meeting; the motion was seconded by Mr. Youngblood and passed by a vote of 5-0.

Agenda Item #9. Policy Question: Amending Requirements for Lobbyist Registration

This question was raised at the last meeting by Ms. Thompson. Mr. Wayne said there probably are cases where lobbyists do not exceed the current eight-hour threshold for registering but that there is no way to know with certainty. Mr. Wayne stated the lobbyists are comfortable with the current threshold amounts.

Ms. Thompson asked if there was an upper threshold amount in the law. Mr. Wayne said currently there is no upper threshold in the law.

Mr. Youngblood stated that there have not been any complaints from the public or individuals regarding lobbyist's reporting time. He said it is up to the Legislature to make changes in the eight-hour threshold requirement, not the Commission. If someone thought it was a problem, changes would have been made, he said.

Ms. Thompson stated that the Legislature should be looking at this issue since many hours can be spent lobbying, but lobbyists do not have to register if they do not reach the eight-hour threshold within a month.

Mr. Friedman stated he agrees with Ms. Thompson's concern. He said further discussion should take place by the Commission and by the LVA Committee at a later date. Mr. Friedman thought that this matter should be addressed again later in the year.

Agenda Item #10. Procedural Issue: Proposed Regular Public Comment Session

Ms. Thompson asked the Commission to consider whether to include a regular public comment session during each monthly meeting.

Mr. Wayne stated that he did some research with other agencies and with staff counsel. Ms. Gardiner said there were no rules requiring a public comment session. Mr. Wayne further reported that other State regulatory agencies such as the Land Use Regulation and Board of Environmental Protection do not have a public comment session.

Mr. Friedman said the Worker's Compensation Board and the Human Rights Commission do not have a separate agenda item for public comments. He said he thought the reason being that many people could address the board with tangential issues, putting regular agenda items that were scheduled aside to hear issues that may not pertain to that board.

Ms. Thompson said the Commission's practice under different chairs was to allow the public to make comments and bring forth issues at the end of the meeting. She feels that a public body should always have a citizen comment period on their agenda. She further stated that the Ethics Commission will become more publicly noted and publicly reviewed, especially if certain legislation regarding legislative ethics becomes law. She said that it was therefore very important that the Commission be as open and transparent as possible for citizens. She said the Chair and the Commission have the right under Roberts Rules to put a time limit or to rule anyone out of order.

Mr. Marsano stressed the need for careful scrutiny by the Chair of the Commission as to the length of time someone is allowed to address the Commission.

Ms. Thompson moved to establish as formal practice for putting a public comment session at the beginning of each meeting; the motion was seconded by Mr. Shiah.

Mr. Youngblood stated while this is a good idea, he is opposed to this practice. He said if someone has a real legitimate issue, they can be put on the agenda. If their issue is not legitimate, then they should not be making comments at a Commission meeting anyway.

Mr. Marsano stated he would like to propose an amendment that would limit the amount of time an individual could address the Commission to two minutes as protection for the Chair.

Ms. Thompson accepted this amendment and seconded.

Mr. Friedman stated his concern that when the press shows up at a meeting, some members of the public will take advantage of the press time and speak to the press not to the Commission. He would be opposed to a public comment session. He also stated that there have been cases where someone is in attendance at the end of a meeting and have been heard by the Commission.

Mr. Friedman said it puts a burden on the Chair to try to determine someone's motivation in speaking. He said an item that does not appear on the agenda could take over legitimate issues that need to be discussed and are on the agenda.

The motion failed by a vote of 2 to 3. Ms. Thompson and Mr. Shiah voted in favor of the motion; Mr. Friedman, Mr. Youngblood and Mr. Marsano voted in opposition to the motion.

Agenda Item #11. Proposed Rule Amendment

Mr. Wayne explained that the Legal and Veterans Affairs Committee has requested the Commission adopt a rule change which would allow candidates to re-use campaign signs from a previous election without requiring the disclosure statement be updated regarding who paid for the communication. Mr. Wayne said the statute requires the authorization and name and address of the person financing the communication be on the sign. The LVA Committee is directing the Commission to begin a rulemaking.

Mr. Friedman asked if the LVA has the power to direct the Commission.

Mr. Wayne said the LVA Committee is used to agencies being cooperative regarding requests for rule changes. He told the LVA Committee he would pass this request on to this Commission. He has not

expressed the Commission's point of view to the LVA Committee to place a sticker over the old information which would keep the signs 100% accurate.

Ms. Thompson said that she did not think that the Commission should be interpreting the statute regarding disclosures on campaign communications in a way that does not provide the public with 100% accuracy.

Mr. Friedman stated that he is troubled that the LVA Committee has requested the Ethics Commission lower its standards by allowing old, outdated information be acceptable on campaign signs. He further expressed concern over the Legislature to suggest that the Ethics Commission permit conduct which does not reach the highest standards of election practices. He further said if the Legislature wants to force the Commission to make this change, they need to do so by way of legislation. He said if the Legislature wants changes to the rule, he would accept the sticker concept over using an outdated, misinformed sign. He said the signs need to be 100% accurate to the public.

Mr. Wayne offered to draft a letter to the LVA Committee.

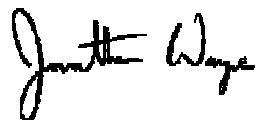
Mr. Marsano said that a letter should state that this request is beyond the scope and authority of the Commission and is in the purview of the Legislature.

Agenda Item #12. Dates of May and June Meetings of the Commission

The following dates were set for meetings: Friday, May 30, 2008 and Friday, June 27, 2008.

There being no further business, the meeting was adjourned at 11:50 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jonathan Wayne". The signature is written in a cursive, flowing style.

Jonathan Wayne, Executive Director